UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,273	03/10/2004	Sean Afshin Emam	MS306991.01/MSFTP565US	2950

27195 7590 03/06/2007		EXAMINER	
AMIN. TUROCY & CALVIN, LLP		PHAN, JOSEPH T	
24TH FLOOR, NATIONAL CITY CENTER			
1900 EAST NINTH STREET		ART UNIT	PAPER NUMBER
CLEVELAND, OH 44114		2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/797,273	EMAM ET AL.
	Examiner	Art Unit	
	Joseph T. Phan	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2006.*

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 14, 17, and 24 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 17, and 24 recites "*...the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application, video camera,...*"

Applicant's specification teaches the inferred current status of the called user is either based upon a statistical/bayesian model or based upon the called user's calendar application but not both in the same inference(p.14 of spec). Examiner requests applicant to indicate where in the specification whereby the inferred current status is based upon both the probabilistic model and another input application(calendar, camera, pda, gps, etc.).

Claim 14 recites "*the inferred current status is based upon an artificial intelligence model and at least one of the called user's calendar application, video camera,...*" Applicant's specification does not mention an artificial intelligence model

and thereby does not render one of ordinary skill in the art to make or use the invention.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-38 rejected under 35 U.S.C. 102(e) as being anticipated by Burger

et al., Patent #6,678,366.

Regarding claim 1, Burger teaches a call processing system(Fig.1) comprising:

a switch component to receive incoming telephone calls(1 Fig.1) and a client computer

system that receives data from the switch component(Fig.1) regarding caller

identity(Fig.3D) and generates a customized response in accordance with user defined

preferences(col.5 lines 16-49), the preferences define responses based at least upon

an inferred current status of the called user, the inferred current status of the called user

is based upon a probabilistic model*(col.8 lines 40-65)* and at least one of the called

user's calendar application(col.9 lines 20-49).

Regarding claim 2, Burger teaches the system of claim 1, the computer system

comprising a call processing component that generates a message to be played to a caller(col.5 lines 16-49).

Regarding claim 3, Burger teaches the system of claim 2, the call processing component comprising a preference store for housing user defined rules(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 4, Burger teaches the system of claim 3, further comprising a preference application programming interface component adapted to receive one or more preferences and store them in the preference store(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 5, Burger teaches the system of claim 2, further comprising a preference execution component adapted to receive and/or retrieve preferences from the preference store and generate a response to an incoming call(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 6, Burger teaches the system of claim 2, further comprising a translation component adapted to translate a message from a first language to a second language(col.5 lines 5-49; text language converted to speech language).

Regarding claim 7, Burger teaches the system of claim 2, wherein the call processing component provides for a client subscriber to be notified(col.3 lines 8-26)

Regarding claim 8, Burger teaches the system of claim 7, further comprising a context component that determines client context to facilitate selection of an appropriate notification device and means of notification(Fig.1 and col.3 lines 8-26).

Regarding claim 9, Burger teaches the system of claim 8, the notification device including one of a mobile phone, a pager, a personal computer and a personal digital assistant(Fig.1 and col.3 lines 8-26).

Regarding claim 10, Burger teaches the system of claim 1, wherein the preferences define responses based on a client's status at a given time as specified in a calendar application(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 11, Burger teaches the system of claim 1, wherein the client computer system is a personal computer(Fig.1)

Regarding claim 12, Burger teaches the system of claim 1, wherein the client computer system is a television set-top box*(Fig.1)*.

Regarding claim 13, Burger teaches the system of claim 1, wherein the client computer system is a gaming console*(Fig.1)*.

Regarding claim 14, Burger teaches a dynamic call processing system comprising: a means for receiving incoming calls(Fig.1); a means for providing a client device information about a caller(Fig.3D); and a means for dynamically constructing a message for the caller based at least in part on a called user's specified rules, the rules are based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon artificial intelligenceand at least one of the called user's calendar application(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 15, Burger teaches the system of claim 14, further comprising a means of playing the constructed message to the caller((Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 16, Burger teaches the system of claim 14, further comprising a means for notifying a client subscriber of a phone call(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 17, Burger teaches, as best understood, a method of call processing comprising: receiving an incoming call, inferring the current status of a called user; validating the caller against one or more of the called user's rules and constructing a customized message for the caller, the rules are based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic modeland at least one of the called user's calendar application; and constructing a customized message for the caller(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 18, Burger teaches the method of claim 17, further comprising playing the message to the caller(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 19, Burger teaches the method of claim 17, wherein the call is parked after it is received to provide sufficient time for message construction(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 20, Burger teaches the method of claim 19, wherein a ring tone is simulated while the call is parked(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 21, Burger teaches the method of claim 19, wherein an audio message asks the caller to hold while the call is processed(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 22, Burger teaches the method of claim 17, further comprising notifying a called person of a call(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 23, Burger teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 17(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 24, Burger teaches, as best understood, a method for providing customized call responses comprising: receiving an incoming telephone call from a caller, providing a client device caller identification information, receiving a message from the client device, the message is based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic model and at least one of the called user's calendar application; and playing the message for the caller(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 25, Burger teaches the method of claim 24, wherein the call is received utilizing a telecommunication switch(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 26, Burger teaches the method of claim 24, further comprising parking the call after receiving it to provide sufficient time to receive a message from the client device(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 27, Burger teaches the method of claim 26, wherein parking a call includes simulating a ring tone(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 28, Burger teaches the method of claim 26, wherein parking a call include asking a caller to hold while the call is processed(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 29, Burger teaches the method of claim 24, wherein the client device applies client preferences to generate customized messages for each caller or group of callers(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 30, Burger teaches the method of claim 24, further comprising notifying a client subscriber of call(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 31, Burger teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 24(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 32, Burger teaches, as best understood, the customized call processing methodology comprising: receiving caller identification information; and generating a customized message, wherein the message is a function of particular caller and a specified called user rule, the rule is based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic model(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 33, Burger teaches the method of claim 32, wherein the caller identification information is received from a telecommunication company(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 34, Burger teaches the method of claim 32, wherein the caller

identification information is received via an instant messaging channel, thereby avoiding

interference from firewalls(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 35, Burger teaches the method of claim 32, wherein the customized

message is a function of the called party's status(Fig.1,col.4 line 65-col.5 line 49, and

col.9 lines 20-49).

Regarding claim 36, Burger teaches the method of claim 35, the called party's status

is determined utilizing data associated with one or more software applications stored on

the party's computing device(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Regarding claim 37, Burger teaches the method of claim 36, wherein the application

is a calendar or scheduling application(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines

20-49).

Regarding claim 38, Burger teaches the computer readable medium having stored

thereon computer executable instructions for carrying out the method of claim

32(Fig.1,col.4 line 65-col.5 line 49, and col.9 lines 20-49).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-38 rejected under 35 U.S.C. 102(b) as anticipated by Klein, Patent #5,434,908 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Klein, Patent #5,434,908 in view of Burger et al., Patent #6,678,366.

Regarding claim 1, Klein teaches a call processing system(Fig.1) comprising:

a switch component to receive incoming telephone calls(1 Fig.1) and a client computer

system that receives data from the switch component(1002 Fig.1) regarding caller

identity(col.6 lines 6-8) and generates a customized response in accordance with user

defined preferences(col.6 lines 5-22), the preferences define responses based at least

upon an inferred current status of the called user, the inferred current status of the

called user is based upon a probabilistic model(*Fig.5 and col.6 lines 4-21; the user is*

100% available or not available at certain times) and at least one of the called user's

calendar application(col.2 lines 4-15 and col.3 lines 45-56).

However, if an alternative interpretation of a probabilistic model is used, then

Burger's reference below is used to teach a specific statistical/probability model.

Klein is silent on expressly disclosing a probabilistic model but does provide

probabilistic indications of whether the user will be available or not at certain times(Fig.5

and col.6 lines 4-21 *the user is 100% available or not available at certain times*).

Burger teaches a probabilistic model(best guess algorithm-abstract).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Burger's best guess algorithm to locate/infer the current status of Klein's called user.

One would have been motivated to do so as Klein suggests using other additional information such as the time-of-day, etc(Klein col.6 lines 3-66) and Burger's invention locates the called user via a probabilistic model of the time-of-day(Burger col.9 lines 20-48). It is further noted, they are both in the same field of endeavor.

Regarding claim 2, Klein in view of Burger teaches the system of claim 1, the computer system comprising a call processing component that generates a message to be played to a caller(col.1 line 35-col.2 line 15).

Regarding claim 3, Klein in view of Burger in view of Burger teaches the system of claim 2, the call processing component comprising a preference store for housing user defined rules(col.1 line 35-col.2 line 15).

Regarding claim 4, Klein in view of Burger teaches the system of claim 3, further comprising a preference application programming interface component adapted to receive one or more preferences and store them in the preference store(col.1 line 35-col.2 line 15).

Regarding claim 5, Klein in view of Burger teaches the system of claim 2, further comprising a preference execution component adapted to receive and/or retrieve preferences from the preference store and generate a response to an incoming call(col.1 line 35-col.2 line 15).

Regarding claim 6, Klein in view of Burger teaches the system of claim 2, further comprising a translation component adapted to translate a message from a first language to a second language*(col.1 lines 44-46; text language converted to speech language)*.

Regarding claim 7, Klein in view of Burger teaches the system of claim 2, wherein the call processing component provides for a client subscriber to be notified(col.6 lines 3-22).

Regarding claim 8, Klein in view of Burger teaches the system of claim 7, further comprising a context component that determines client context to facilitate selection of an appropriate notification device and means of notification(Fig.1 and col.6 lines 3-22).

Regarding claim 9, Klein in view of Burger teaches the system of claim 8, the notification device including one of a mobile phone, a pager, a personal computer and a personal digital assistant(Fig.1; phones are mobile to move around).

Regarding claim 10, Klein in view of Burger teaches the system of claim 1, wherein the preferences define responses based on a client's status at a given time as specified in a calendar application(col.3 lines 45-56).

Regarding claim 11, Klein in view of Burger teaches the system of claim 1, wherein the client computer system is a personal computer(1002 Fig.1)

Regarding claim 12, Klein in view of Burger teaches the system of claim 1, wherein the client computer system is a television set-top box*(1002 of Fig.1 and Fig.5; box can be placed on top of a television)*.

Regarding claim 13, Klein in view of Burger teaches the system of claim 1, wherein

the client computer system is a gaming console*(1002 of Fig.1/Fig.5 is also a gaming

console)*.

Regarding claim 14, Klein in view of Burger teaches a dynamic call processing

system comprising: a means for receiving incoming calls(Fig.1); a means for providing a

client device information about a caller(col.6 line 7); and a means for dynamically

constructing a message for the caller based at least in part on a called user's specified

rules, the rules are based at least upon an inferred current status of the called user, the

inferred current status of the called user is based upon artificial intelligence*(Fig.5;*

computer data is artificial and not human intelligence) and at least one of the called

user's calendar application (col.2 lines 4-15 and col.3 lines 45-56).

However, if an alternative interpretation of artificial intelligence is used, then

Burger's reference below is used to teach artificial intelligence.

Klein in view of Burger is silent on expressly disclosing using artificial intelligence

but does provide probabilistic indications of whether the user will be available or not at

certain times(Fig.5 and col.6 lines 4-21 *the user is 100% available or not available at*

certain times).

Burger teaches artificial intelligence(best guess algorithm-abstract).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to use Burger's best guess algorithm to locate/infer the current

status of Klein in view of Burger's called user.

One would have been motivated to do so as Klein suggests using other additional

information such as the time-of-day, etc(Klein col.6 lines 3-66) and Burger's invention

locates the called user via a probabilistic model of the time-of-day(Burger col.9 lines 20-

48). It is further noted, they are both in the same field of endeavor.

Regarding claim 15, Klein in view of Burger teaches the system of claim 14, further

comprising a means of playing the constructed message to the caller(col.6 lines 2-22).

Regarding claim 16, Klein in view of Burger teaches the system of claim 14, further

comprising a means for notifying a client subscriber of a phone call(col.6 lines 5-22).

Regarding claim 17, Klein in view of Burger teaches, as best understood, a method

of call processing comprising: receiving an incoming call, inferring the current status of

a called user(col.2 lines 4-15); validating the caller against one or more of the called

user's rules and constructing a customized message for the caller(col.6 lines 5-22), the

rules are based at least upon an inferred current status of the called user, the inferred

current status of the called user is based upon a probabilistic model*(Fig.5; 100%*

probable that the called user is not available during the times indicated) and at least one

of the called user's calendar application(col.2 lines 4-15 and col.3 lines 45-56); and

constructing a customized message for the caller(col.6 lines 5-22).

However, if an alternative interpretation of a probabilistic model is used, then

Burger's reference below is used to teach a specific statistical/probability model.

Klein is silent on expressly disclosing a probabilistic model but does provide

probabilistic indications of whether the user will be available or not at certain times(Fig.5

and col.6 lines 4-21 *the user is 100% available or not available at certain times)*.

Burger teaches a probabilistic model(best guess algorithm-abstract).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Burger's best guess algorithm to locate/infer the current status of Klein's called user.

One would have been motivated to do so as Klein suggests using other additional information such as the time-of-day, etc(Klein col.6 lines 3-66) and Burger's invention locates the called user via a probabilistic model of the time-of-day(Burger col.9 lines 20-48). It is further noted, they are both in the same field of endeavor.

Regarding claim 18, Klein in view of Burger teaches the method of claim 17, further comprising playing the message to the caller(col.6 lines 5-22).

Regarding claim 19, Klein in view of Burger teaches the method of claim 17, wherein the call is parked after it is received to provide sufficient time for message construction(*col.1 lines 5-62 col.6 lines 1-15; call is parked so that the personal greeting can be formed, time is sufficient*).

Regarding claim 20, Klein in view of Burger teaches the method of claim 19, wherein a ring tone is simulated while the call is parked(*col.2 lines 1-3; ring tone is conventional while parked*).

Regarding claim 21, Klein in view of Burger teaches the method of claim 19, wherein an audio message asks the caller to hold while the call is processed(col.1 lines 1-3).

Regarding claim 22, Klein in view of Burger teaches the method of claim 17, further comprising notifying a called person of a call(col.6 lines 5-22).

Regarding claim 23, Klein in view of Burger teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 17(col.2 lines 4-15 and col.3 lines 45-56);

Regarding claim 24, Klein in view of Burger teaches, as best understood, a method for providing customized call responses comprising: receiving an incoming telephone call from a caller, providing a client device caller identification information, receiving a message from the client device, (col.10 lines 53-67, col.14 line 7, col.18 lines 56-67, and col.19 lines 2-19), the message is based at least upon an inferred current status of the called user, the inferred current status of the called user is based upon a probabilistic model*(Fig.5; 100% probable that the called user is not available during the times indicated)* and at least one of the called user's calendar application(col.2 lines 4-15 and col.3 lines 45-56); and playing the message for the caller(col.6 lines 5-22).

However, if an alternative interpretation of a probabilistic model is used, then Burger's reference below is used to teach a specific statistical/probability model.

Klein is silent on expressly disclosing a probabilistic model but does provide probabilistic indications of whether the user will be available or not at certain times(Fig.5 and col.6 lines 4-21 *the user is 100% available or not available at certain times*).

Burger teaches a probabilistic model(best guess algorithm-abstract).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Burger's best guess algorithm to locate/infer the current status of Klein's called user.

One would have been motivated to do so as Klein suggests using other additional information such as the time-of-day, etc(Klein col.6 lines 3-66) and Burger's invention locates the called user via a probabilistic model of the time-of-day(Burger col.9 lines 20-48). It is further noted, they are both in the same field of endeavor.

Regarding claim 25, Klein in view of Burger teaches the method of claim 24, wherein the call is received utilizing a telecommunication switch(Fig.1).

Regarding claim 26, Klein in view of Burger teaches the method of claim 24, further comprising parking the call after receiving it to provide sufficient time to receive a message from the client device(*col.1 lines 5-62 and col.6 lines 1-15; call is parked so that the personal greeting can be formed, time is sufficient*).

Regarding claim 27, Klein in view of Burger teaches the method of claim 26, wherein parking a call includes simulating a ring tone(*col.2 lines 1-3; ring tone is conventional while parked*).

Regarding claim 28, Klein in view of Burger teaches the method of claim 26, wherein parking a call include asking a caller to hold while the call is processed(col.1 lines 1-3).

Regarding claim 29, Klein in view of Burger teaches the method of claim 24, wherein the client device applies client preferences to generate customized messages for each caller or group of callers(col.1 line 35-col.2 line 15).

Regarding claim 30, Klein in view of Burger teaches the method of claim 24, further comprising notifying a client subscriber of call(col.6 lines 5-22).

Regarding claim 31, Klein in view of Burger teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 24(col.1 line 35-col.2 line 15).

Regarding claim 32, Klein in view of Burger teaches, as best understood, the customized call processing methodology comprising: receiving caller identification information; and

generating a customized message, wherein the message is a function of particular caller and a specified called user rule, the rule is based at least upon an inferred current status of the called user (col.1 line 35-col.2 line 15), the inferred current status of the called user is based upon a probabilistic model*(Fig.5; 100% probable that the called user is not available during the times indicated)*.

H owever, if an alternative interpretation of a probabilistic model is used, then Burger's reference below is used to teach a specific statistical/probability model.

Klein is silent on expressly disclosing a probabilistic model but does provide probabilistic indications of whether the user will be available or not at certain times(Fig.5 and col.6 lines 4-21 *the user is 100% available or not available at certain times)*.

Burger teaches a probabilistic model(best guess algorithm-abstract).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Burger's best guess algorithm to locate/infer the current status of Klein's called user.

One would have been motivated to do so as Klein suggests using other additional information such as the time-of-day, etc(Klein col.6 lines 3-66) and Burger's invention

locates the called user via a probabilistic model of the time-of-day(Burger col.9 lines 20-48). It is further noted, they are both in the same field of endeavor.

Regarding claim 33, Klein in view of Burger teaches the method of claim 32, wherein the caller identification information is received from a telecommunication company(col.6 lines 5-22)

Regarding claim 34, Klein in view of Burger teaches the method of claim 32, wherein the caller identification information is received via an instant messaging channel, thereby avoiding interference from firewalls(col.1 lines 35-67, col.6 lines 5-22; information is sent instantly).

Regarding claim 35, Klein in view of Burger teaches the method of claim 32, wherein the customized message is a function of the called party's status(col.1 lines 35-67, col.6 lines 5-22).

Regarding claim 36, Klein in view of Burger teaches the method of claim 35, the called party's status is determined utilizing data associated with one or more software applications stored on the party's computing device(col.1 lines 35-67, col.6 lines 5-22).

Regarding claim 37, Klein in view of Burger teaches the method of claim 36, wherein the application is a calendar or scheduling application(col.1 lines 35-67, col.3 lines 45-55).

Regarding claim 38, Klein in view of Burger teaches the computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 32(col.1 lines 35-67 and col.3 lines 45-55).

Response to Arguments

5.   Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
February 23, 2007

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600